

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Ragaglia, et al.,

Plaintiff(s),

**MEDIATION
CERTIFICATION**

19 - cv - 06006-CJS-mwp

v.

Pontillo's Pizzeria-Gates et al.,

Defendant(s).

I hereby certify that:

- ☐ The mediation session scheduled for _____ has been adjourned to _____.
- ☐ Case settled prior to the first mediation session.
- ☒ Mediation session was held on April 11, 2019.
- ☐ *Case has settled.* (Comment if necessary).
- ☐ *Case has settled in part.* (Comment below). Mediation will continue on _____.
- ☐ *Case has settled in part.* (Comment below). Mediation is complete.
- ☒ *Case has not settled.* Mediation will continue on July 30, 2019.
- ☐ *Case has not settled.* Mediation is complete. The case will proceed toward trial pursuant to the Court's scheduling order.

Date: 4/23/19

Mediator: /S/

[Signature]

Additional Comments:

See Attachment A

Attachment A

Based on the agreement of the parties at today's mediation:

No later than **May 14, 2019**, plaintiffs' counsel shall provide to the mediator and opposing counsel at least the following:

1. Damages spreadsheet;
2. An explanation of what damages plaintiffs' counsel asserts is non-dischargeable in bankruptcy.;
3. The legal compliance plaintiffs' counsel expects from defendants as part of any settlement;
4. A description of what plaintiffs' counsel expects in any sworn financial statement provided by the defendants.

No later than **July 16, 2019**, defense counsel shall provide to the mediator and opposing counsel at least the following:

1. Sworn financial statements for the defendants.
2. A listing of employees who were employed or worked as independent contractors for the defendants six years prior to the commencement of this action, as well as the number of weeks worked by each individual;
3. A settlement proposal that includes the amount of a lump sum payment; any payments over time; a indication of whether the defendants intends to continue their business and if so the compliance steps defendants will undertake regarding wage-and-hour compliance.

On **July 30, 2019 at 10:00 AM** the parties shall reconvene at the law offices of Thomas & Solomon LLP to determine if resolution of this matter is possible and under what terms.